



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8029

March 14, 2023

BY ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

RE: *Volokh v. James*, SDNY No. 22 Civ. 10195 (ALC)

Dear Judge Carter:

This Office represents Defendant Letitia James, sued in her official capacity as Attorney General of the State of New York ("A.G. James") in the above-referenced action. I write pursuant to Rule 1(D) of Your Honor's Individual Practices to respectfully request that the Court hold all pending deadlines, including A.G. James' time to respond to the Complaint, in abeyance pending the resolution of the appeal in this action. Presently, A.G. James' deadline to respond to the Complaint is March 16, 2023. One previous request for an extension of A.G. James' time to respond to the complaint was granted on December 20, 2022 (ECF No. 26).

On February 14, 2023, the Court issued an Opinion and Order granting Plaintiffs' Motion for a Preliminary Injunction (ECF No. 29). On March 13, 2023, A.G. James filed a Notice of Appeal of the February 14, 2023 Opinion and Order to the United States Court of Appeals for the Second Circuit (ECF No. 30). In light of the pending appeal, which will likely address the central legal issues in this action, it would be inefficient to proceed simultaneously in this Court while the appeal is pending in the Second Circuit. To that end, A.G. James respectfully requests that the Court hold all pending deadlines in abeyance until the resolution of the appeal in the Second Circuit, and that the deadline for A.G. James to respond to the Complaint be extended to thirty (30) days after the conclusion of all appeals of the Court's February 14, 2023 Opinion and Order. On March 13, 2023, we requested consent from Plaintiffs' counsel by telephone and by email, but counsel has not advised us of their position.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

/s/ Seth J. Farber

Seth J. Farber

Special Litigation Counsel

cc: All Counsel of Record (By ECF)